



4910-13

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Availability of Noise Compatibility Program for Chicago Midway International Airport, Chicago, Illinois

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice.

SUMMARY: The FAA announces its determination that the noise exposure maps submitted by the City of Chicago Department of Aviation for Chicago Midway International Airport under the provisions of 49 U.S.C. 47501 et. seq (formerly the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150 (hereinafter referred to as "Part 150") are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Chicago Midway International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before [INSERT DATE 180 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER].

DATE: This notice is effective [insert date upon publication in Federal Register], and is applicable April 22, 2013. The public comment period ends [INSERT DATE 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Ms. Amy Hanson, Environmental Protection Specialist, CHI-603, Federal Aviation Administration, Chicago Airport District Office, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone number: 847-294-7354. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Chicago Midway International Airport are in compliance with applicable requirements of Part 150, effective [insert date upon publication in Federal Register]. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before [INSERT DATE 180 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER]. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of

projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

City of Chicago Department of Aviation submitted to the FAA on April 22, 2013 noise exposure maps, descriptions and other documentation that were produced during noise compatibility planning study conducted from 2011 through 2013. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by City of Chicago Department of Aviation. The specific documentation determined to constitute the noise exposure maps includes:

Exhibit 3-1, Exhibit 3-2, and Chapter 3 of the Part 150 study document. The FAA has determined that these maps for Chicago Midway International Airport are in compliance with applicable requirements. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix D of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government.

These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has

relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished. Preliminary review of the submitted noise compatibility program for Chicago Midway International Airport indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before [INSERT DATE 180 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER]. A public hearing was held on March 21, 2013 at The Mayfield, 6072 S. Archer Avenue, Chicago, Illinois.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration
Chicago Airport District Office
2300 East Devon Avenue
Des Plaines, IL 60018

CDA Environment Division
Chicago O'Hare International Airport
10510 W. Zemke Road
Chicago, IL 60666

Airport Maintenance Complex
Chicago Midway International Airport
6201 S. Laramie Avenue
Chicago, IL 60638

Questions may be directed to the individual named above under the heading,

FOR FURTHER INFORMATION CONTACT.

Issued in Des Plaines, IL

May 13, 2013

James G. Keefer

Manager

Chicago Airports District Office

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